

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

MITCHELL C. MOONEY,)	
HARRISON GILMORE, DONNIE L.)	
THARP, and SAMUEL KING, on)	
behalf of themselves and other)	
similarly situated,)	
)		
Plaintiffs,)	Case No. 3:07-cv-1018-WKM
)		
v.)	
)		
ADVANCED DISPOSAL SERVICES)	
and URRUTIA, INC.,)	
)		
Defendants.)	

**DEFENDANTS' SUR-REPLY TO PLAINTIFFS' REPLY TO
DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION TO
FACILITATE NOTICE AND OBJECTIONS TO PLAINTIFFS'
PROPOSED NOTICE AND CONSENT FORM**

Defendants Advanced Disposal Services (“ADS”) and Urrutia, Inc., d/b/a Arrow Disposal (“Urrutia”) file this Sur-Reply to Plaintiffs’ Reply to Defendants’ Opposition to Plaintiffs’ Motion to Facilitate Notice and Objections to Plaintiffs’ Proposed Notice and Consent Form for the following reasons:

On June 4, 2007, ADS acquired Urrutia, which does business as Arrow Disposal. Plaintiffs’ Reply and proposed notice infer that ADS did business as Arrow Disposal prior to June 4, 2007 and that ADS currently does business as Arrow Disposal in facilities and operations other than those obtained through the

acquisition of Urrutia. This is incorrect, and pursuant to the Court's May 22, 2008 Order, Defendants provide the following clarification for the Court.

On June 4, 2007, ADS acquired Urrutia, which does business as Arrow Disposal. Prior to June 4, 2007, no entity owned or operated by ADS did business as Arrow Disposal. Other than the facilities acquired through Urrutia on June 4, 2007, no other ADS facilities or employees presently operate as, or for, Arrow Disposal.

DATED this 28th day of May, 2008

/s/ J. Tobias Dykes

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**ATTORNEYS FOR DEFENDANTS
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URRUTIA, INC.**

CERTIFICATE OF SERVICE

This is to certify that the undersigned electronically filed the foregoing Sur-Reply to Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Facilitate Notice and Objections to Plaintiffs' Proposed Notice and Consent Form with the Clerk of the Court using the CM/ECF system that will send notification of such filing to the following:

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This the 28th day of May, 2008.

/s/ J. Tobias Dykes
Counsel of Record